

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

BRENNAN M. GILMORE,

Plaintiff,

v.

ALEXANDER E. JONES, et al.,

Defendants.

Case No. 3:18-cv-00017-NKM

**Free Speech Defendants' Motion for Reconsideration or Certification
For Interlocutory Appeal of the Court's March 29 Order and Opinion**

Pursuant to Federal Rule of Civil Procedure 54(b), Defendants Alex Jones, Lee Ann McAdoo, InfoWars, LLC, and Free Speech Systems, LLC (collectively, the "Free Speech Defendants") respectfully move the Court for reconsideration of its March 29, 2019 Order denying their motion to dismiss for want of personal jurisdiction over the Free Speech Defendants. In the alternative, the Free Speech Defendants move for interlocutory certification under 28 U.S.C. § 1292(b) because the personal jurisdiction question raised here satisfies the standard for interlocutory certification.

As shown in the accompanying memorandum, the Court's March 29 Order conflicts with governing authority because the legal standard it applied permits jurisdiction over non-forum-state defendants who have merely discussed forum-state events, without manifesting an intent to target an audience in the forum state. In this respect, the Court's Order conflicts with Supreme Court and Fourth Circuit precedent that limits jurisdiction in these circumstances to defendants who have "expressly aimed" allegedly wrongful acts at the forum state.

In the alternative, the Free Speech Defendants move the Court to certify under 28 U.S.C. § 1292(b) for immediate interlocutory appeal the issue of whether an Internet publication's focus on forum-state events and persons, standing alone, suffices to support specific personal jurisdiction over out-of-state defendants who have not otherwise aimed their conduct at the forum state. That is a controlling question of law, it is a question over which reasonable jurists

could disagree and have disagreed, and its resolution would materially advance conclusion of this litigation.

For these reasons, the Court should reconsider its March 29, 2019 Order denying the Free Speech Defendants' motion to dismiss for want of personal jurisdiction or, in the alternative, amend that order to certify it for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

May 2, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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